HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 15049 of 2007

Dated 16th July, 2007

Between

T.Vijay Bhaskar Reddy

…Petitioner

and

The State of Andhra Pradesh, rep. By its Secretary,
Revenue Department, AP Secretariat, Hyderabad, and, ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 15049 of 2007

ORDER:

In this Writ Petition, the petitioner seeks Writ of Mandamus to declare the action of the respondents in taking steps to enter into his land admeasuring Ac.14.08 guntas covered by Sy.No. 347 of Chepuru village, Gurrampudu Mandal in Nalgonda District,for digging a canal, without initiating proceedings under the Land Acquisition Act, 1894 as illegal and arbitrary.

It is stated in the affidavit filed in support of the Writ Petition that the petitioner is the owner and possessor of the land admeasuring Ac.14.08 guntas covered by Sy.No. 347 of Chepuru village, Gurrampudu Mandal in Nalgonda District. It is further stated that the petitioner had purchased the said land by registered sale deed dated

18-11-2006. It is the grievance of the petitioner that the respondents are taking steps for digging on his land for the purpose of excavation of canal for Alimineti Madhava Reddy Project, without acquiring the same under the Land Acquisition Act, 1894. It is the case of the petitioner that he has not given any consent to part with the possession of the said land and in absence of any steps taken under the provisions of the Land Acquisition Act, 1894, he cannot be deprived of his property as otherwise than by due process of law.

On the other hand, it is submitted by the learned Government Pleader for the respondents that digging of land for canal is taken on either side of the petitioner's land and there is no interference with the possession of the petitioner of his land. Further, it is submitted by the learned Government Pleader that there are proposals to acquire the land of the petitioner under the provisions of the Land Acquisition Act, 1894 and notification under Section 4(1) of the Act is not yet issued.

As much as it is not in dispute that there is no consent from the petitioner to part with any part of his land referred above, and, as it is submitted by the learned Government Pleader appearing for the respondents that as on today, no notification was issued to acquire the land of the petitioner, I dispose of the Writ petition directing the respondents not to interfere with the possession of the land of the petitioner admeasuring Ac.14.08 guntas covered by Sy.No. 347 of Chepuru village, Gurrampudu Mandal in Nalgonda District. However, it is made clear that this order will not preclude the respondents from acquiring the land of the petitioner, either by obtaining his consent or by initiating proceedings under the Land Acquisition Act, 1894, for any public purpose.

Subject to the above direction, the Writ Petition is disposed of.

No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE:
Note: CC by tomorrow.
(Bo)Msnr.